

No. 9(1)-82-6 Lab./7951.- In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s The Panipat Co-operative Sugar Mills, Panipat.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 84 of 1980

between

SHRI MULTAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S. THE PANIPAT CO-OPERATIVE SUGAR MILLS LTD., PANIPAT

Present:—Shri Gian Chand, for the workman.

Shri R.S. Malik, for the management.

#### AWARD

This reference has been referred to this court by the Hon'ble Governor, —vide his order No. ID/KNL/47-80/17482, dated 16th April, 1980 under section 10(1)(c) of the I.D. Act for adjudication of the dispute existing between Shri Multan Singh, workman and the management of M/s. The Panipat Co-operative Sugar Mills Ltd., Panipat. The term of the reference was:—

“Whether the termination of services of Shri Multan Singh was justified and in order? If not, to what relief is he entitled?”

On the receipt of the order of reference notices as usual were sent to the parties. The parties appeared on 19th June, 1980 in response to the same. The representative of the workman moved an application for amendment of their claim statement in respect of some dates which were wrongly mentioned. The amendment was allowed. The workman filed the amended claim statement. The management filed their written statement on 19th September, 1980. Rejoinder was filed by the workman on 18th November, 1980 and the only issue ‘As per the term of reference’ was framed on the basis of the pleas of the parties.

The management examined Shri Babu Ram, their time keeper as their only witness and closed their case. The workman examined himself as his witness and closed his case on 11th January, 1982. I heard the learned representatives of the parties and decide issue as under:

**Issue:—**The workman has alleged that he served demand notice, dated 20th November, 1972/10th December, 1976 to the management that he was not given duty during the season 1976-77 which was rejected by the Government as the same was not covered under section 2(A). He again raised a general demand notice on 21st August, 1978 and the same was also rejected as the demand was covered under section 2(A). In his present demand notice he has asked the relief that he be reinstated as cane clerk with full back wages from 27th November, 1976 onwards. In his statement of claim he has further stated that he worked for full two seasons from 1974-75 to 1975-76.

While the management resisted the allegation of the workman by stating that the workman was not a regular employee and was only a casual daily rated employee who used to be called on work as per the need of the factory. The workman being a casual daily rated worker was not required any notice or any enquiry to be held before terminating his services. The management witness has stated the above facts in his chief and further stated in his cross examination that the workman was engaged as a coolie. The workman worked for 130 days during the season 1974-75 and for 143 days during the season 1975-76, the days did not include Sundays and holidays. He has also given the dates of appointment of Shri Mukhtiar Singh, Mohinder Singh, Surat Singh, Ram Pal and Virender Singh as 10th January, 1976, 19th January, 1976, 12th September, 1977, 6th February, 1976 and 1st March, 1977, respectively. All these workmen were cane clerks. He has further given out that a seasonal workman was one who was called to work when the season started and worked upto the close of the season. No notice was given or any compensation was paid to the workman as the same was not required in case of the casual workman. He denied the suggestion as incorrect that Shri Multan Singh was cane clerk.

The workman has given out in his cross examination that he was not given any appointment letter. He was not aware as to what was his grade of pay. He was also not aware whether he used to get his wages once in a month or twice. He did not receive any letter from the management calling him to work during the season 1975-76 as he was working in the mills at that time. He was not getting any retaining allowance. He denied the suggestion as incorrect that he was a casual daily rated worker and received his wages twice a month.

The workman has alleged that he was working as cane clerk but he had not proved his contention by summoning the record of the management nor he has produced any letter of appointment that he was appointed as cane clerk nor he could tell his grade whether it was the same which was given to the cane clerks. He also could not deny specifically that he was not being paid twice a month. These pieces of evidence show that the workman was not a regular employee. He can not be called to be a seasonal workman as he was not engaged on monthly basis and he was engaged on work of casual nature on daily rate. It is therefore, established that the workman was a temporary workman and under sub-clause (3) of clause 'L' of the Certified Standing Orders it has been provided that no notice was necessary for termination of services of temporary/casual workman at the end of the period for which he was engaged. In view of the above discussion I hold that the management was justified under the aforesaid clause of the certified standing orders not to allow the workman duty on the commencement of season 1976-77 as the management did not require his services as the casual or temporary workman were only engaged when work of casual or temporary nature was there and extra hands were required. The workman is therefore not entitled to any relief. The reference is answered and returned accordingly.

Dated the 30th July, 1982.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Haryana, Rohtak.

Endst. No. 1815, dated the 30th July, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the I.D. Act.

BANWARI LAL DALAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 9(1)82-6Lab./7952.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Indomalt Processors Pvt. Ltd., Murthal (Sonapat).

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 5 of 1980

between

SHRI JAGMOHAN LAL, WORKMAN AND THE MANAGEMENT OF M/S. INDOMALT PROCESSORS  
PRIVATE LIMITED, MURTHAL (SONEPAT)

Present:—No one for the workman.  
Shri C.R. Galati, for the management.

AWARD

This reference has been referred to this court by the Governor—*vide* his order No. ID-SPT/96-79/1478, dated 10th January, 1980 under section 10(i)(c) of the I.D. Act for adjudication of the dispute existing between Shri Jagmohan Lal, workman and the management of M/s. Indomalt Processors Private Ltd., Murthal. The term of the reference was:—

Whether the termination of services of Shri Jagmohan Lal was justified and in order? If not, to what relief is he entitled?

On the receipt of the order of reference notices as usual were sent to the parties. The management appeared through Shri Parmod Kumar but no one appeared on behalf of the workman on 7th April, 1980 in response to the same. The parties appeared on 26th June, 1980. Notice was sent to the management when they failed to appear on 12th September, 1980, which was received back with the report 'Jaan Bujkar Lane se Inkari'. *Ex parte* proceedings were held against the management on 14th October, 1980. The *ex parte* order was set aside on 13th November, 1970 subject to the payment of Rs. 100/- as cost. The management was again proceeded *ex parte* on 7th January, 1981. Again this order was set aside on payment of Rs 20 as cost. On the basis of the pleadings of the parties the following issues were framed:—

1. Whether the workman resigned his job on his own accord?

2. Whether the resignation was obtained under pressure and duress and the same was withdrawn before it was duly accepted by the management?
3. When issue No. 1 is decided against the management and issue No. 2 is decided in favour of the workman then as per the term of reference?

The case was adjourned several times for the evidence of the management on the request of the workman. On 8th January, 1982 no one appeared for the workman and a registered A. D. notice was sent to him. Another notice was sent to the workman when he did not appear on 1st February, 1982. On 5th March, 1982 also none appeared on behalf of the management. *Ex parte* proceedings were held against the workman and the evidence of the management was recorded on 5th March, 1982. Shri Ashok Chawla, Managing Director, respondent concern appeared as management witness. I heard the arguments on behalf of the management and on the basis of the material on record I decide the issue as under:—

**Issues No. 1 and 2:—**MW-1, Shri Ashok Chawla deposed that Jagmohan Lal was their employee who resigned,—*vide* Ex. M-1. The resignation was in his own handwriting who recognised his signatures. Ex. M-2 was the receipt executed by him in token of full and final settlement of all his dues. The resignation was given voluntarily. The workman never lodged any complaint to any authority about the alleged undue influence. They received a demand letter Ex. M-3. Ex. M-4 was the photocopy of their reply. Ex. M-5 was the letter from Labour Officer-cum-Conciliation Officer.

The workman has not cared to pursue his demand leading to this reference and chose to stay away from the proceedings. I have no choice but to believe the un rebutted statement of the management witness. Believing his statement I hold that the workman resigned his service voluntarily and the resignation was accepted before it was withdrawn. Accordingly, decide issue No. 1 in favour of the management and issue No. 2 against the workman.

**Issue No. 3:—**In view of my findings on issues No. 1 and 2 I answer the reference and give my award that this is a case of termination of contract of service by way of voluntary resignation on the part of the workman and not by any act of the management. The dispute does not fall under section 2(A) of the I.D. Act and the reference is bad in law. The workman is not entitled to any relief. The reference is answered and returned accordingly.

Dated the 30th July, 1982.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Haryana, Rohtak.

Endorsement. No. 1816, Dated 30th July, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the I.D. Act.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Haryana, Rohtak.

No. 9(1) 82-6Lab/7953.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s. Asco Industrial Corporation, Sonapat.

BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT HARYANA,  
ROHTAK

Reference No. 164 of 1979

*Between*

SHRI RAJINDER SINGH, WORKMAN AND THE MANAGEMENT OF M/S. ASCO INDUSTRIAL  
CORPORATION, SONEPAT

*Present.—*

Shri Ram Sarup Lakra for the workman.

Shri D. C. Gandhi, for the management.

## AWARD

This reference has been referred to this court by the Hon'ble Governor. *vide* his order No. ID/SPT/97-79/37296, dated 27th August, 1979 under section 10(i)(c) of the Industrial Disputes Act for adjudication of the dispute existing between Shri Rajinder Singh, workman and the management of M/s. Asco Industrial Corporation, Sonapat. The term of the reference was :—

Whether the termination of services of Sri Rajinder Singh was justified and in order ? If not, to what relief is he entitled ?

On the receipt of the order of reference notices as usual were sent to the parties. The parties put in their appearance in response to the same. The management filed their written statement alongwith some documents. Admission and denial of these documents by the workman was held on 17th January, 1980. No rejoinder was filed by the workman. On the basis of the pleas of the parties the following issue was framed :—

Whether the termination of services of Shri Rajinder Singh was justified and in order ? If not, to what relief is he entitled ?

The management obtained several adjournments for their evidence and no one appeared for the management on 14th October, 1980. *Ex parte* proceedings were taken up against the management. In the later hours of the court their authorised representative appeared and the *ex parte* order was set aside on payment of Rs 25 as cost. The management examined Shri Hoshier Singh, Labour Officer Sonapat and Shri Hari Om Jain, Works Manager respondent as their witnesses and closed their case excepting to produce the handwriting expert. But the management did not produce the handwriting expert and obtained several adjournments for the same and at least they gave up the handwriting expert on 5th November, 1981. The workman examined himself as his only witness and closed his case on 7th January, 1982. I heard the representatives of the parties and decide the issue as under.

**Issue No. 1.**—The management has pleaded that the workman submitted his resignation on 9th May, 1979 which was accepted on the same date and the full and final settlement of his dues was made,—*vide* Exhibit MW-2/2. The management has further pleaded that the applicant received his leave wages before the Authority,—*vide* Exhibit MW-1/1 on 15th October, 1979. The management has further pleaded that the applicant proceeded on leave from 19th April, 1979 and did not turn up to 8th May, 1979 and submitted his resignation on 9th May, 1979.

The workman has alleged that he was asked to work at Badli for sometime by the respondent on 24th April, 1979 and he was not taken on duty on 6th June, 1979 when he came after the completion of the work at Badli. The workman has not mentioned the fact of his going to Badli in his notice of demand. In his statement the applicant has stated that he was sent to Badli previously also while in his cross-examination he has stated that he did not remain on leave from 19th April, 1979 onward for 2, 3 days but he remained searching for the respondent factory at Badli. At other place the applicant has stated that he went to Badli on 22nd April, 1979 and came back on 6th June, 1979. These are material contradictions in the statement of the workman which go to belie his contention that he was asked by the management to work at Badli and was not taken on duty when he came back there on 6th June, 1979. The workman has admitted his signatures on Exhibit MW-2/1 which is the resignation. The workman has not put any suggestion to the management witness MW-2 that the resignation MW-2/1 was forged or it was obtained under pressure or the workman was forced to sign on blank papers and the resignation was prepared under his signatures. The specimens of handwriting of the workman were taken on 17th January, 1980 which by naked eye when compared with the writing on Exhibit MW-2/1 it can be said that the writing on Exhibit MW-2/1 and of the specimen handwriting are in the hand of the same person. I am therefore constrained to hold that the applicant resigned on 9th May, 1979 of his own accord and received his full and final dues. This is a case of resignation and not a case of termination of services as an act of management. The reference is bad in law as dispute is not covered under section 2(A) of the Industrial Disputes Act and the workman is not entitled to any relief. The reference is answered and returned accordingly.

Dated the 30th July, 1982.

BANWARI LAL DALAL,

Presiding Officer,  
Labour Court, Haryana, Rohtak.

Endorsement No. 1817, dated 30th July, 1982.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,  
Presiding Officer,  
Labour Court, Haryana, Rohtak.